

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LEONARDO JOHNSON)
)
Plaintiff,)
) 3:10-CV-50-ID
v.)
) (WO)
OPELIKA POLICE DEPT., *et al.*,)
)
Defendants.)

ORDER

Before the Court are the Recommendation of the Magistrate Judge (Doc. #13, filed March 5, 2010) and Plaintiff's Objection to the Recommendation (Doc. #19, filed March 17, 2010). The Court has conducted a *de novo* review of those portions of the Recommendation to which objection is made. It is CONSIDERED and ORDERED as follows:

1. Plaintiff's Objection to the Recommendation (Doc. #19) be and the same is hereby OVERRULED;
2. The Recommendation of the Magistrate Judge (Doc. #13) be and the same is hereby ADOPTED, APPROVED and AFFIRMED;
3. Plaintiff's claims against the Opelika Police Department be and the same are hereby DISMISSED with prejudice prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i);
4. The Opelika Police Department be and the same is hereby DISMISSED as a

- party to this cause of action; and
5. This case, with respect to the claims against the remaining Defendants, be
and the same is hereby REFERRED back to the Magistrate Judge for
appropriate proceedings.

Done this 26th day of March, 2010.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE